

AMENDED IN ASSEMBLY MAY 11, 2011

AMENDED IN ASSEMBLY MAY 4, 2011

CALIFORNIA LEGISLATURE—2011–12 REGULAR SESSION

ASSEMBLY BILL

No. 259

Introduced by Assembly Member Smyth

February 7, 2011

An act to amend Section 27701 of the Government Code, relating to a county public defender.

LEGISLATIVE COUNSEL'S DIGEST

AB 259, as amended, Smyth. County public defender.

Existing law authorizes the board of supervisors of a county to establish the office of public defender for the county. Under existing law, a person is not eligible to the office of public defender unless he has been a practicing attorney in the courts of the state for at least the year preceding the date of his election or appointment.

This bill would provide that, in addition to existing law, a person is eligible to the office of public defender if he or she is a sitting or retired judge, and as a judge meets specified qualifications, or if he or she was a judicial commissioner, magistrate, or referee, or elected public official, and meets specified qualifications.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 27701 of the Government Code is
2 amended to read:

1 27701. A person is eligible to the office of public defender if
2 the person meets one of the following criteria:

3 (a) He or she has been a practicing attorney in all of the courts
4 of the state for at least the year preceding the date of his or her
5 election or appointment.

6 (b) He or she was a sitting or retired judge, ~~and as a judge (1)~~
7 ~~he and both of the following apply:~~

8 (1) *He or she was a practicing attorney in all of the courts of*
9 *the state for at least the year preceding the date of his or her*
10 *election or appointment to the judicial office, and (2) on office.*

11 (2) *On or before the date of his or her election or appointment*
12 *to the office of public defender, he or she resigns his or her judicial*
13 *office, the current term of his or her office has expired, and he or*
14 *she is an active member of the State Bar.*

15 (c) He or she was a judicial commissioner, magistrate, or referee
16 authorized to perform the duties of a subordinate judicial officer,
17 ~~and he or she (1) was both of the following apply:~~

18 (1) *He or she was a practicing attorney in all of the courts of*
19 *the state for at least one year preceding the date of his or her*
20 *election or appointment to judicial office, and (2) on office.*

21 (2) *On or before the date of his or her election or appointment*
22 *to the office of public defender, he or she resigns his or her judicial*
23 *office and is an active member of the State Bar.*

24 (d) He or she was an elected public official, ~~he and both of the~~
25 ~~following apply:~~

26 (1) *He or she was a practicing attorney in all of the courts of*
27 *the state for at least one year preceding the date of his or her*
28 *election to public office, on office.*

29 (2) *On or before the date of his or her election or appointment*
30 *to the office of public defender, he or she resigns his or her elected*
31 *public office, and he or she is an active member of the State Bar.*